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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

THOMPSON, CAMIE S

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/20/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/785,557

Applicant(s)

BISLERI ET AL.

Examiner

Camie S Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 53-67 and 83-99 is/are pending in the application.
- 4a) Of the above claim(s) 68-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-67 and 83-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed December 3, 2002 have been acknowledged.
2. Examiner acknowledges amended claim 63.
3. The objection to the priority document is withdrawn due to applicant's argument.
4. The objection to the Information Disclosure Statement is withdrawn due to applicant's argument.
5. The rejection of claims 53, 56-57, 83 and 86-97 under 35 U.S.C. 103 (a) as being unpatentable over Castellani et al., U.S. Patent Number 6,162,548 in view of Hudson, U.S. Patent Number 6,255,594 is withdrawn due to applicant's argument.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 53-67 and 83-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Caimi, U.S. Patent Number 6,339,189.

The Caimi reference is drawn to a low-tension, electrical cable that has fire retardant and moisture resistant properties that includes a metal conductor and at least a double layer polymer coating disposed to surround the metal conductor as per instant claims 53 and 83 (see abstract, column 1, lines 15-20 and column 4, lines 33-43). The reference also discloses that inner layer comprises a polymer matrix wherein the polymer maybe a polyolefin such as polyethylene and the inner layer has moisture resistant properties as per instant claims 53, 56-57, 83 and 86-87 (see column 4, lines 45-49 and column 8, lines 50-68). The outer layer is disclosed by the Caimi reference as comprising a base polymer matrix such as the copolymer polypropylene and a diene such as 1,3 butadiene wherein an inorganic charge such as magnesium hydroxide is dispersed in the copolymer and diene mixture to provide with the desired fire-resistance properties as per instant claims 58-64 and 88-94 (see column 4, lines 49-68 and column 6, lines 32-column 7, line 10). The reference also discloses that the outer layer contains a limited amount of coupling agent such as an unsaturated silane or ethylenically unsaturated carboxylic groups as per instant claims 66-67 and 96-97 (see column 5, lines 31-38 and column 6, lines 32-68). Caimi discloses that the thickness of the inner layer is at least 0.4 mm while the outer layer thickness is preferably greater than 0.2mm as per instant claims 53-55 and 83-85 (see column 10, lines 15-28). Caimi also discloses that the amount of magnesium hydroxide in the outer layer may range from 20% to 90% by weight as per instant claims 65 and 95 (see column 6, lines 32-46). The cable is

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disclosed in the reference as being found in such adverse work conditions such as electrical and petrolchemical plants where there is a question of fire safety as per instant claim 99 (see column 9, lines 46-51). Also, the cable is disclosed as being advantageous in cables for power transmission that would be located outside and may be subject to wet weather conditions as per instant claim 98 (see column 9, lines 39-45).

The method of passing electricity through a cable in claims 83-99 only recites the features of the fire and water resistant, low-voltage electrical cable and so Caimi reads on the method claims, 83-99, also.

#### ***Response to Arguments***

8. Applicant's arguments filed December 3, 2002 have been fully considered but they are not persuasive. Applicant argues that Caimi reference discloses an outer layer of 0.2 mm and an inner layer of 0.4 mm. The Caimi reference discloses that the inner layer is at least 0.4 mm and the outer layer is greater than 0.2 mm. Therefore, the outer layer can be equal to the inner layer and up to 7 times thicker than the inner layer since it is preferred by Caimi that the outer layer is greater than 0.2 mm. The Caimi reference discloses that the outer layer can be thicker than the inner layer due to the outer layer being greater than 0.2 mm.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (703) 305-4488. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (703) 308-0449. The fax phone numbers for the Group are (703) 872-9310 {before finals} and (703) 872-9311 {after finals}.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

